IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 17971 of 2004

Between:

Fishermen Co-operative Society,

Kamalapuram Village, Singareni Mandal,

Khammam Dist. rep.by its President,
Badawath Balu,

..... PETITIONER

AND

1. The Commissioner of Fisheries,

   Mastya Bhavan, Shanthinagar, A.P.Hyderabad.
2. The District Collector, Khammam Dist.,Khammam
3. The Asst. Director of Fisheries, Khammam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of order or direction more particularly one in the nature of writ of Mandamus declaring the order show cause notice of first respondent vide.Rc.No.749/11/2004 dated 15-9-2004 as bad arbitrary and contrary of section 34(1) of A.P. Co-operative societies Act 1964 in the interests of justice.

Counsel for the Petitioner: MS.M.VIDYAVATHI

Counsel for the Respondents 1 to 3: GP FOR FISHERIES

The Court made the following :

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION No.17971 of 2004

ORDER:

Challenging the show cause notice dated 15-09-2004, the present writ petition is filed.

2. The show cause notice would only go to show that as to why the action should not be initiated against the petitioner-Society for supersession of the Managing Committee. Thereafter, explanation given by the petitioner-Society was considered and accordingly enquiry was also ordered.

3. The learned Government Pleader for Fisheries appearing for the respondents contended that in pursuance of the explanation given by the petitioner-Society, enquiry date is fixed to be conducted on 07-01-2005 and therefore, when the enquiry was ordered and the date was also fixed in respect of it, there is no lis to be adjudicated in this matter.

4 . Recording the same, the writ petition is disposed of with a liberty to the petitioner to challenge the final order to be passed in pursuance of the show cause notice, if he aggrieved. There shall be no order as to costs.

December 16, 2004

Kvr

TO

1. The Commissioner of Fisheries,

Mastya Bhavan, Shanthinagar, A.P.Hyderabad.

2 The District Collector, Khammam Dist.

3 The Asst. Director of Fisheries, Khammam Dist.

4 Two C.Cs. to G.P. for Fisheries,

High Court buildings,

High Court of A.P.,

Hyderabad (O.U.T.)

5 Two C.D. Copies.